

Applicant: Goldberg et al.
Serial No.: 10/748,445

PATENT
Atty Docket: 1506-524

REMARKS/ARGUMENTS

This Amendment is filed in response to the Official Action mailed June 23, 2005. In this Amendment, claim 27 is canceled and claims 1, 4, 5, 24, 28, 29 and 30 are amended. Following entry of this Amendment, Claims 1-26 and 28-31 shall be pending. In this regard, the allowability of Claims 5-15 as amended is noted with appreciation.

CLAIM REJECTIONS - 35 USC § 102

The rejection of Claims 1-4, 16, 17, 19, 20, 23 and 25 under 35 U.S.C. Section 102(b) over *Myline III* in view of *Kendall et al.* is respectfully traversed. *Myline III* appears to show nothing more than the scheduling capabilities of a common button-operated controller with a numerical display that cannot be properly termed a graphic much less an interactive graphic, as now claimed..

Applicants specifically take issue with Examiner's conclusory dismissal of applicants' graphic interface as recited in clause f) of Claim 1 as being "a matter of routine choice" in light of the alleged "interaction with an operator . . . of the GUI presented in Fig. 1". For example, the three-dimensional cube of *Myline III* is not a GUI, but rather it appears to be an explanatory diagram for the purposes of the patent. *Myline III* does not appear to teach any GUI or other interaction between the controller and the operator, other than repetitively pushing buttons on the controller.

Applicants respectfully submit that, at a minimum, the provision of a computer to present an interactive graphic allowing an operator to simply carry out complex programming by placing water valve-identifying indicia into selected positions on said graphic as recited in claim 1 is in no way taught, suggested or even contemplated by the applied prior art references.

Dependent Claims 2-4 and 16-19 present details which are not suggested by the references due, at least in part, to the absence of an interactive graphic in the first place in these references. In other words, given the absence of a graphic at the outset, these dependent claims are allowable as a matter of course. In this respect, Claim 4 enables

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an operator to see at a glance how much time remains before a watering operation. As a result, any landscaping personnel or landscaping equipment in danger of being sprinkled by an "about-to-come-on" sprinkler can be timely removed. Dependent Claim 16 particularly stands on its own. The ability to enlarge the graphic without affecting the effect of its indicia is an unobvious feature of considerable interest to users with impaired vision.

With respect to Claims 20 and 23 based on *Myline III*, these claims are also allowable based on the deficiency of *Myline III*. *Myline II* does not show a graphic as claimed. Moreover, each of these claims recite functionalities which would be more complex in the absence of applicants' recited graphic thus reinforcing the distinctions between the invention and *Myline III*.

CLAIM REJECTIONS – 35 USC § 103

The rejection of Independent Claims 24 and 26 under 35 U.S.C. 103 over *Myline III* and *Kendall* in view of *Irvin* is respectfully traversed for at least the reasons stated in connection with Claim 1.

A further ground relative to claim 24 is that *Irvin's* system provides an after-the-fact cost estimate of the water actually consumed, whereas applicants' claimed system provides a before-the-fact estimate of consumption. This allows the operator to adjust the watering schedule before it is implemented. This is a useful feature in areas where water use is subject to restrictions and schedules have to be carefully manipulated to obtain the maximum benefit without exceeding a preset legal limit.

A further ground as to Claim 26, is that *Sieminski* does not teach transmitting an override command limited to "manual" and "off", without disturbing any of the settings of the remote controller or resetting it to a current schedule which may have been modified in the computer.

As to the rejection of Claims 21 and 22 over the additional reference of *Sieminski*, this rejection is not fully understood since these claims seem unrelated to *Sieminski's* alleged remote capabilities.

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CLAIM REJECTIONS – 35 USC § 102(e)

Finally, the rejection of Claim 30 (which claim has been rewritten in independent form to include the subject matter of previously pending claim 27) and its dependent claims 28, 29 and 31 under 35 U.S.C. 102(e) based on *Sieminski* is respectfully traversed. Although it appears *Sieminski* may obtain signals from the controllers, it also appears this is done only for archiving and alarm purposes. In Applicants' invention, on the other hand, the field controller is polled continually by the computer so as to inform the computer continuously of the status of the field controller. This is believed to be a simpler, lower cost and more effective method of communication between the PC and the irrigation system. Such continual polling also dispenses with the need for continual clock synchronization at each data transmission.

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INSKEEP IP GROUP INC

NO. 9767 P. 16

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CONCLUSION

In view of the foregoing, it is submitted that upon entry of this Amendment, all pending claims 1-26 and 28-31 are now in condition for allowance. Hence, a Notice of Allowance is hereby requested.

If for any reason direct communication with Applicants' attorney would serve to advance prosecution of this case to finality, the Examiner is cordially urged to call the undersigned attorney at the below listed telephone number.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-2809.

Respectfully submitted,

Dated: 9/23/05

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